

### **REMARKS**

Claims 1-26 are pending in this application. Claims 1, 6, 11, and 16-21 are amended herein. Support for the amendments to the claims, and for the new claims, may be found in the claims as originally filed, in Fig. 10, and at page 24, lines 22-25, continuing at page 25, lines 1, 2, and 3 of the specification. Reconsideration is requested based on the foregoing amendment and the following remarks.

#### **Response to Arguments:**

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection. Further favorable consideration is requested.

#### **Claim Rejections - 35 U.S.C. § 112:**

Claims 5, 10, 15, 19, and 21-26 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The specification has been amended to comport the specification to claim 5 as filed originally. Claims 5, 10, 15, 19, and 21-26 are thus submitted to be described in the specification within the meaning of 35 U.S.C. § 112, first paragraph. Withdrawal of the rejection is earnestly solicited.

#### **Claim Rejections - 35 U.S.C. § 103:**

Claims 1-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,571,218 to Sadler et al. (hereinafter "Sadler") in view of Official Notice. The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The third clause of claim 1 recites:

A manual input unit that is enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the display unit has displayed the amount of accepted cash.

Sadler neither teaches, discloses, nor suggests receiving "from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser," as recited in claim 1. The final Office Action acknowledges graciously in section 6, in the first full paragraph at page 4, that:

Sadler fails to teach manually entering tender that was rejected by the automatic change dispenser.

The final Office Action attempts to compensate for this deficiency of Sadler by taking Official Notice, asserting in section 6, also in the first full paragraph at page 4, that:

However "Official Notice" is taken that the concept of rejecting cash by an automatic change dispenser is well known in the art as evidenced by Sadler who teaches that bills are rejected by a self checkout if they fail a visual check (see paragraph [0046]).

The Applicant respectfully traverses the Official Notice and requests authority for the statement. The Applicant specifically points out the following errors in the final Office Action.

First, the final Office Action uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

Any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, it appears that the rejection is based, at least in part, on personal knowledge. 37 C.F.R. § 1.104(d)(2) requires such an assertion to be supported with an affidavit when called for by the Applicant. Thus, Applicant calls for support for the assertion with an affidavit.

Even if, moreover, the concept of rejecting cash by an automatic change dispenser were well known in the art, that would still not amount to receiving "from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser," as recited in claim 1. Consequently, even if Sadler were modified as proposed in the final Office Action, claim 1 would not result.

The final Office Action, in any case, goes on to assert in section 6, also in the first full paragraph at page 4, that:

It would have been obvious to one of ordinary skill in the art to include this feature in Sadler because doing so would allow the system to continue a transaction at a cashier when money is rejected by the self-checkout by manual accepting the rejected money at the cashier terminal.

Sadler, however, wants to *suspend* the transaction where it is determined that an issue has arisen at a self-checkout terminal that cannot be resolved at that terminal, not continue the transaction at a cashier. In particular, as described at column 2, lines 3-6:

Further, where it is determined that an issue has arisen at a self-checkout terminal that cannot be resolved at that terminal, the transaction is suspended and then resumed at a personnel-operated terminal.

Modifying Sadler as proposed in the final Office Action, consequently, would render Sadler unsatisfactory for the intended purpose of suspending the transaction when it is determined that an issue has arisen that cannot be resolved for the terminal. As provided in M.P.E.P §2143.01:

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Since modifying Sadler as proposed in the final Office Action would render Sadler unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification. *In re Gordon*.

Modifying Sadler is proposed in the final Office Action, moreover, would change the principle of operation of Sadler, since the transaction would no longer be suspended when an issue arose that could not be resolved at the terminal. As provided in M.P.E.P §2143.01:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Since modifying Sadler as proposed in the final Office Action would change the principle of operation of Sadler, the teachings of the references are not sufficient to render claim 1 prima facie obvious. *In re Ratti*.

The last clause of claim 1 recites:

A change calculation unit that calculates an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change.

Neither Sadler nor Official Notice teaches, discloses, or suggests calculating "an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1. Sadler, in fact, mentions no change calculation at all let alone an "automatic change dispenser to dispense the amount of change," as recited in claim 1. The terminal 36 of Sadler, rather, is used to complete transactions that have been *suspended* at a self-checkout terminal 12. In particular, as described at column 3, lines 55, 56, and 57:

As described below, this terminal 36 is used to complete transactions that have been suspended at a self-checkout terminal 12.

Since the terminal 36 of Sadler is used to complete transactions that have been suspended at a self-checkout terminal 12, Sadler does not calculate "an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1.

The store terminal 36 of Sadler, moreover, allows special payment and tendering transactions to be performed *outside* of the self-checkout system, not an "automatic change dispenser to dispense the amount of change," as recited in claim 1. In particular, as described at column 3, lines 57-61:

The store terminal 36 allows special payment and tendering transactions to be performed outside of the self-checkout system, in the manner in which they are normally handled at the store's other cashier-operated checkout stations.

Since the store terminal 36 of Sadler allows special payment and tendering transactions to be performed outside of the self-checkout system, Sadler does not calculate "an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1.

The store terminal 36 of Sadler, moreover, includes a scanner that is used to scan a bar-coded receipt printed at a self-checkout terminal 12 in order to *resume* a suspended transaction, not an "automatic change dispenser to dispense the amount of change," as recited in claim 1. In particular, as described at column 3, lines 61-64:

The store terminal 36 includes a scanner that, as described below, is used to scan a bar-coded receipt printed at a self-checkout terminal 12 in order to resume a suspended transaction.

Since the terminal 36 of Sadler includes a scanner that is used to scan a bar-coded receipt printed at a self-checkout terminal 12 in order to resume a suspended transaction, Sadler does not calculate "an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1.

FIG. 2 of Sadler, moreover, shows a method 44 for providing store approvals for a network of self-checkout terminals 12, not an "automatic change dispenser to dispense the amount of change," as recited in claim 1. In particular, as described at column 3, lines 66 and 67, continuing at column 4, line 1:

FIG. 2 shows a flowchart of a method 44 according to the present invention for providing store approvals for a network of self-checkout terminals 12.

Since FIG. 2 of Sadler shows a method 44 for providing store approvals for a network of self-checkout terminals 12, Sadler does not calculate "an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1.

The system of Sadler, moreover, determines whether any system errors or self-checkout issues have occurred. In particular, as described at column 4, lines 3, 4, and 5:

In steps 48 and 50, the system determines, respectively, whether any system errors or self-checkout issues have occurred.

Since the system of Sadler determines whether any system errors or self-checkout issues have occurred, Sadler does not calculate "an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1.

The system of Sadler, moreover, determines in step 58 whether any issues have arisen during the self-checkout process that require intervention by store personnel. In particular, as described at column 4, lines 10-14:

Once the system has determined in step 56 that the transaction is done, the system determines in step 58 whether any issues have arisen during the self-checkout process that require intervention by store personnel.

Since the system of Sadler determines in step 58 whether any issues have arisen during the self-checkout process that require intervention by store personnel, Sadler does not calculate "an amount of change to be paid back to the customer based on the total amount of deposited

cash, and instructs the automatic change dispenser to dispense the amount of change," as recited in claim 1.

It would make little sense, finally, for the system of Sadler to instruct the self-checkout terminal 12 to dispense the amount of change, when the customer has already taken the trouble to be guided to, and moved to, a separately located remote terminal 36, after the transaction at the self-checkout terminal 12 has been suspended.

Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 3, 4, 5, and 22 depend from claim 1 and add additional distinguishing elements. Claims 3, 4, 5, and 22 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3, 4, 5, and 22 is earnestly solicited.

Claims 6, 8, 9, 10, and 23:

The third clause of claim 6 recites:

A manual input unit that is enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the display unit has displayed the amount of accepted cash.

Neither Sadler nor Official Notice teaches, discloses, or suggests "a manual input unit that is enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the display unit has displayed the amount of accepted cash," as discussed above with respect to the rejection of claim 1.

The last clause of claim 6 recites:

A change calculation unit that calculates an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change.

Neither Sadler nor Official Notice teaches, discloses, or suggests "a change calculation unit that calculates an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change," as discussed above with respect to the rejection of claim 1. Claim 6 is thus also submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 6 is earnestly solicited.

Claims 8, 9, 10, and 23 depend from claim 6 and add additional distinguishing elements. Claims 8, 9, 10, and 23 are thus also submitted to be allowable. Withdrawal of the rejection of

claims 8, 9, 10, and 23 is earnestly solicited.

Claims 11, 13, 14, 15, and 24:

The third clause of claim 11 recites:

Being enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the amount of accepted cash has been displayed.

Neither Sadler nor Official Notice teaches, discloses, or suggests "being enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the amount of accepted cash has been displayed ," as discussed above with respect to the rejection of claim 1.

The last clause of claim 11 recites:

Calculating an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructing the automatic change dispenser to dispense the amount of change.

Neither Sadler nor Official Notice teaches, discloses, or suggests "calculating an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructing the automatic change dispenser to dispense the amount of change," as discussed above with respect to the rejection of claim 1. Claim 11 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 11 is earnestly solicited.

Claims 13, 14, 15, and 24 depend from claim 11 and add additional distinguishing elements. Claims 13, 14, 15, and 24 are thus also submitted to be allowable. Withdrawal of the rejection of claims 13, 14, 15, and 24 is earnestly solicited.

Claims 16, 18, 19, and 25:

The third clause of claim 16 recites:

Being enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the amount of accepted cash has been displayed .

Neither Sadler nor Official Notice teaches, discloses, or suggests "being enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the amount of accepted cash has been displayed," as discussed above with respect to the rejection of claim 1.

The last clause of claim 16 recites:

Calculating an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructing the automatic change dispenser to dispense the amount of change.

Neither Sadler nor Official Notice teaches, discloses, or suggests "calculating an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructing the automatic change dispenser to dispense the amount of change," as discussed above with respect to the rejection of claim 1. Claims 16 is thus also submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim number one. Withdrawal of the rejection of claim 16 is earnestly solicited.

Claims 18, 19, and 25 depend from claim 16 and add additional distinguishing elements. Claims 18, 19, and 25 are thus also submitted to be allowable. Withdrawal of the rejection of claims 18, 19, and 25 is earnestly solicited.

Claims 20, 21, and 26:

The fourth clause of claim 20 recites:

Being enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the amount of accepted cash has been transmitted and displayed.

Neither Sadler nor Official Notice teaches, discloses, or suggests "being enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser after the amount of accepted cash has been transmitted and displayed," as discussed above with respect to the rejection of claim 1.

The last clause of claim 20 recites:

Calculating total amount of deposited cash that has been deposited by a customer by adding the amount of accepted cash and the amount of rejected cash.

Neither Sadler nor Official Notice teaches, discloses, or suggests "calculating total amount of deposited cash that has been deposited by a customer by adding the amount of accepted cash and the amount of rejected cash," as discussed above with respect to the rejection of claim 1. Claim 20 is the submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 20 is earnestly solicited.

Claims 21 and 26 depend from claim 20 and add further distinguishing elements. Claims 21, and 26 are thus also submitted to be allowable. Withdrawal of the rejection of claims 21 and



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26 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-26 are allowable over the cited references. Allowance of all claims 1-26 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

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